

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

Index No.

-----X
EURY TAVAREZ HERNANDEZ,**Summons**

Plaintiff,

Plaintiff designates QUEENS
County as the place of trial.

against

The basis of venue designated is:
Place of Occurrence.

RYDER TRUCK RENTAL, INC. and KEVIN MARTINEZ,

Defendants.
-----X**To the above named Defendant(s)**

You are hereby summoned to answer the complaint in this action, and to serve a copy of your answer, or if the complaint is not served with this summons, to serve a notice of appearance on the plaintiff's attorney(s) within twenty days after the services of this summons exclusive of the day of service, where service is made by delivery upon you personally within the state, or within 30 days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

DATED: New York, New York
July 19, 2021*Mark J. Linder, Esq.*Harmon, Linder & Rogowsky, Esqs.
Attorneys for Plaintiff(s)
3 Park Avenue, 23rd Floor
Suite 2300
New York, NY 10016Ryder Truck Rental, Inc.
11690 NW 105th Street
Miami, FL 33178Kevin Martinez
646 Maple Avenue
Elizabeth, NJ 07202

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF **QUEENS**

-----x
EURY TAVAREZ HERNANDEZ,

VERIFIED COMPLAINT

Plaintiff,

-against-

RYDER TRUCK RENTAL, INC. and KEVIN MARTINEZ,

Defendants.
-----x

Plaintiff, complaining of the defendants herein by his
attorneys, HARMON, LINDER & ROGOWSKY, ESQS., respectfully sets
forth and alleges, as follows:

**AS AND FOR A CAUSE OF ACTION
ON BEHALF OF EURY TAVAREZ HERNANDEZ**

1. That the accident herein complained of **occurred** within the
County of **QUEENS**, State of New York.

2. That at all times herein mentioned defendant, **RYDER TRUCK
RENTAL, INC.**, was a corporation authorized to do business in the
State of New York.

3. That at all times herein mentioned defendant, **RYDER TRUCK
RENTAL, INC.**, was the owner of an automobile bearing
registration number **2732821, State of Indiana.**

4. That at all times herein mentioned defendant, **KEVIN MARTINEZ**, was the operator of the aforesaid automobile bearing registration number **2732821, State of Indiana**.

5. That at all times herein mentioned defendant, **KEVIN MARTINEZ**, was in physical charge, operation, management and control of the aforesaid vehicle owned by the defendant, **RYDER TRUCK RENTAL, INC.**, with the knowledge, consent, and permission, either express or implied of the defendant owner thereof.

6. That at all times herein mentioned plaintiff, **EURY TAVAREZ HERNANDEZ**, was the operator of an automobile bearing registration number **HCK3731, State of Ohio**.

7. That on the **Fifth day of April 2021**, at approximately **10:30 p.m.**, the aforesaid vehicles came into contact with plaintiff's vehicle at **678I S/B Van Wyck Expressway**, at or near its intersection with **133rd Avenue**, a public street and thoroughfare, in the County of **Queens**, State of New York.

8. The defendants so carelessly and negligently operated their aforesaid respective vehicles so as to cause the aforesaid contact.

9. That as a result of the foregoing, this plaintiff was caused to and did sustain severe and serious injuries and was required to seek and obtain medical care and attention in an effort to cure and alleviate same and, upon information and belief, will be compelled to do so in the future.

10. That the aforesaid occurrence and the injuries sustained by this plaintiff were caused by the negligence of the defendants.

11. That this plaintiff has sustained a serious injury as the same is defined in Subdivision "d" of Section 5102 of the Insurance Law of the State of New York.

12. That this action falls within one or more of the exceptions set forth in Section 1602 of the CPLR.

13. That by reason of the foregoing, plaintiff, **EURY TAVAREZ HERNANDEZ**, has been damaged in an amount which exceeds the jurisdictional limits of all lower courts that would otherwise have jurisdiction.

WHEREFORE, plaintiff, **EURY TAVAREZ HERNANDEZ**, demands judgement against the defendant in the **Cause of Action** in an amount which exceeds the jurisdictional limits of all lower

courts that would otherwise have jurisdiction; all together with
the costs and disbursements of this action.

Dated: New York, NY
July 19, 2021

Mark J. Linder, Esq.

HARMON, LINDER & ROGOWSKY, ESQS.
Attorney(s) for Plaintiff(s)
3 Park Avenue, Suite 2300
New York, New York 10016
(212) 732-3665
MJL/mj

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

I, the undersigned, am an attorney admitted to practice in the Courts of New York State,
and say that:

I am the attorney of record or of counsel with the attorney(s) of record for plaintiff.

I have read the annexed **SUMMONS AND VERIFIED COMPLAINT** and know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief. As to those matters, I believe them to be true. My belief, as to those matters therein not stated upon knowledge is based upon the following:

Interviews and/or discussions with the plaintiff(s) and papers and/or documents in the file.

The reasons I make this affirmation instead of the plaintiff is because said plaintiff resides outside of the county from where your deponent maintains his office for the practice of law.

Dated: New York, New York
July 19, 2021

Mark J. Linder

Mark J. Linder, Esq.

Index No.

Year

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

EURY TAVAREZ HERNANDEZ,

Plaintiff,

-against-

RYDER TRUCK RENTAL, INC. and KEVIN MARTINEZ,

Defendants.

SUMMONS AND VERIFIED COMPLAINT

HARMON, LINDER & ROGOSWKY, ESQS.

Attorney for Plaintiff(s)
3 Park Avenue, 23rd Floor
Suite 2300
New York, NY 10016
(212) 732-3665 Phone
(212) 732-1462 Facsimile

To:

Attorney(s) for Defendant

Service of a copy of the within Summons and Complaint is hereby admitted.

Dated:

Attorney(s) for

PLEASE TAKE NOTICE

☐ Notice of Entry that the within is a (certified) true copy of a
entered in the office of the clerk of the within named Court on

☐ Notice of Settlement
that an order of which the within is a true copy will be presented for settlement to the
Hon. _____, one of the judges of the within named Court, at _____,
on _____.

Dated:

Yours, etc.
Harmon, Linder & Rogowsky, Esqs.
Attorneys for Plaintiff
3 Park Avenue, Suite 2300
New York, NY 10016
(212) 732-3665